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How the South Rejected Compromise
in the Peace Conference of 1861.

SPEECH OF MR. CHASE,
OF OHIO.

Published from the Notes of a Member.

DEFEAT OF COMPROMISE IN 1861.

The history of the *Peace Conference*, which assembled at Washington in February, 1861, under an invitation from Virginia, has never been written.

The Legislatures of Kentucky and Illinois had recommended to Congress to call a Convention to consider the circumstances of the country, and to propose such amendments to the Constitution, if any, as might be found necessary to harmonize the relations of the States and their citizens.

It will be remembered by those who have read the published journal of the Convention, that the Committee on Propositions and Resolutions proposed certain amendments to the Constitution, embodied in a new article of seven sections, to be called the Thirteenth.

The *first* section provided for the division of all the existing territory of the United States into Slave and Free Territory by the line of 36° 30'; the *second* prohibited new acquisitions of territory without the concurrence of a majority of all the Senators from Slave States and a majority of all the Senators from

Free States; the *third* prohibited Congress from interfering with Slavery within any State; or with Slavery in the District of Columbia, without the consent of Maryland and that of the owners of the slaves; or with Slavery in any Territory, where established or recognized by Territorial law or otherwise; or with the slave-trade between the States, except in or through a State or Territory against its laws; the *fourth* negatived any construction of the Constitution, by which any State would be prevented from enforcing the delivery of fugitive slaves through State officers; the *fifth* prohibited the foreign slave-trade; the *sixth* prohibited any amendment of the Constitution to the prejudice of Slavery without the consent of all the States; and the *seventh* required Congress to provide for payment by the United States for all fugitive slaves rescued by violence, and for securing to citizens of each State the privileges and immunities of citizens of the several States.

Pending the discussion on these proposals, which conceded to Slavery new prerogatives and guarantees, Mr. Tuck, of New Hampshire, on behalf of a large body of delegates, reported the following preamble in the form of an *address*, and a series of *resolutions*, as an amendment to the report of the Committee, and as a practical and adequate measure of conciliation and peace:

ADDRESS AND RESOLUTIONS SUBMITTED BY MR. TUCK.

To the People of the United States:

This Convention of Conference, composed in part of commissioners appointed in accordance with the legislative action of sundry States, and in part of commissioners appointed by the Governors of sundry other States, in compliance with an invitation by the General Assembly of Virginia, met in Washington on the 4th of February, 1861.

Although constituting a body unknown to the Constitution and laws, yet, being delegated for the purpose, and having carefully considered the existing dangers and dissensions, and having brought their proceedings to a close, publish this address, and the accompanying resolutions, as the result of their deliberations.

We recognize and deplore the divisions and distractions

which now afflict our country, interrupt its prosperity, disturb its peace, and endanger the Union of the States ; but we repel the conclusion, that any alienation or dissensions exist which are irreconcilable, which justify attempt at revolution, or which the patriotism and fraternal sentiments of the people, and the interests and honor of the whole nation, will not overcome.

In a country embracing the central and most important portion of a continent, among a people now numbering over 30,000,000, diversities of opinion inevitably exist ; and rivalries, intensified at times by local interests and sectional attachments, must often occur ; yet we do not doubt that the theory of our Government is the best which is possible for this nation, that the Union of the States is of vital importance, and that the Constitution, which expresses the combined wisdom of the illustrious founders of the Government, is still the Palladium of our liberties, adequate to every emergency, and justly entitled to the support of every good citizen.

It embraced, in its provisions and spirit, all the defense and protection which any section of the country can rightfully demand or honorably concede.

Adapted with primary reference to the wants of 5,000,000 of people, but with the wisest reference to future expansion and development, it has carried us onward with a rapid increase of numbers, an accumulation of wealth, and a degree of happiness and general prosperity never attained by any nation.

Whatever branch of industry, or whatever staple production, shall become, in the possible changes of the future, the leading interest of the country, thereby creating unforeseen complications or new conflicts of opinion and interest, the Constitution of the United States, properly understood and fairly enforced, is equal to every exigency, a shield and defense to all in every time of need. If, however, by reason of a change in circumstance, or for any cause, a portion of the people believe they ought to have their rights more exactly defined or more fully explained in the Constitution, it is their duty, in accordance with its provisions, to seek a remedy by way of amendment to that instrument ; and it is the duty of all the States to concur in such amendments as may be found necessary to insure equal and exact justice to all.

In order, therefore, to announce to the country the sentiments of this Convention, respecting not only the remedy which should be sought for existing discontents, but also to communicate to the public what we believe to be the patriotic sentiment of the country, we adopt the following

RESOLUTIONS :

1. *Resolved*, That this Convention recognize the well under-

stood proposition that the Constitution of the United States gives no power to Congress, or any branch of the Federal Government to interfere in any manner with Slavery in the States; and we are assured by abundant testimony, that neither of the great political organizations existing in the country contemplates a violation of the spirit of the Constitution in this regard, or the procuring of any amendment thereof, by which Congress, or any department of the General Government, shall ever have jurisdiction over Slavery in any of the States.

2. *Resolved*, That the Constitution was ordained and established, as set forth in the preamble, by the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity; and when the people of any State are not in full enjoyment of all the benefits intended to be secured to them by the Constitution or their rights under it are disregarded, their tranquillity disturbed, their prosperity retarded, or their liberty imperilled by the people of any other State, full and adequate redress can and ought to be provided for such grievances.

3. *Resolved*, That this Convention recommend to the Legislatures of the several States of the Union to follow the example of the Legislatures of the States of Kentucky and of Illinois, in applying to Congress to call a Convention for the proposing of amendments to the Constitution of the United States, pursuant to the fifth article thereof.

While this amendment was pending, Mr. Chase of Ohio, in behalf of those whose views it embodied, delivered the following remarks:

SPEECH OF GOV. CHASE OF OHIO IN THE PEACE CONFERENCE.

February 6th, 1861.

MR. PRESIDENT: I have not thought it best to occupy much of the time of the Convention in discussing the propositions presented for its decision. I have indeed been impressed with an idea, that a decision upon these propositions just now may be premature.

I have already stated to the Conference that the Delegates from Ohio act under resolutions of the General Assembly of

republican government. Various other pretexts are, one way and another, assigned, but the great fact is, that the people of the South are striving to put down republican government, and displant it by an oligarchy based upon property, and that property one to the exclusion of all other forms of property, namely, property in human beings.

Now, I do not choose to make so bold a statement as this without giving some evidence to sustain my assertion. Having changed my political sentiments as little as any other man, I feel confident that I have facts enough to prove the correctness of my position.

The adverse party charge that this is an Abolition war. They say that the Abolitionists of the North have harassed and goaded into frenzy the Southern people, until they have been driven to adopt a scheme which is not at all native to their dispositions. Now, I have said as much against the Abolition party of the North as almost any man, as early, and I believe as sincerely, too; and I have nothing yet to say in praise of the principles of that party. I dissent from them as much as ever. I never thought them altogether evil, or all disunionists or fanatics. I thought them in grievous error, and think so still; and though I cautioned the people of Ohio, in times past, of the evil tendency of arraying section against section, I must now declare that I don't believe this party has had anything to do in getting up this war, except being used as a sham and a lie on the part of the South.

What are the facts? When did the Abolition excitement begin? When was the first anti-slavery society formed? If Abolition be the cause of the war, its organization must have been antecedent to the disunion sentiments of the South. As far back as 1820—more than a generation ago—this whole nation, from the South to the North, East and West, was convulsed by excitement growing out of the threat of disunion, more than it has ever been since. The threat and menace, on the part of the Southern States, were greater and frightened the people more, in 1820, than ever since, even up to the day before they fired on Fort Sumter. Does any man forget the words and action of Henry Clay in reference to it? Does any man who believes in Jefferson forget that he said it was “like a fire-

bell in the night," words conveying fearful alarm? But did the people, who made that menace, in 1820, ever attempt to justify themselves by saying that Giddings had made them mad? Or that this, that, or the other person's anti-slavery lectures had alarmed them? Nothing of the kind had been dreamed of. The conscience of the nation, and of the world, were asleep upon the monster crime of the world. The institution of slavery stood unchecked and unchallenged before mankind, as unbroken as though it had been what they claim it was—a divine and Christian affair. Citizens of the South traveled with their slaves in the farthest north, and no man had his mind awakened to the moral character of the curse, or thought of encouraging it in the use of its legs to escape. I was born, and reared, and lived then in the slaveholding State of Kentucky, and I am taking upon me and mine blame for this thing; but the truth must be told. Of my own knowledge, I know that Kentuckians traveled wheresoever they pleased, without the slightest molestation of their slaves, which they took with them to wait upon them. When my own father visited this State, and I presume this very county, on official business, for many years, his negro slave accompanied him, and no man questioned his right of property in him. Is it not puerile, then, that the South should raise this cry, and pretend that they have been incited by the indiscretion of the handful of the people of the North to make war upon the whole nation? It seems to me not merely absurd, but insulting, to any man who can read or think on the subject.

It was nothing more nor less than the desire to perpetuate the slave power then possessed in the Government, and to establish upon it an oligarchical Government, that stirred them up in 1820, and which again moved them to open outbreak in 1861; and the plea that the abolitionists drove them to it, ought to bring the blush of shame, not upon their faces, for they are past that; it is true, Shakspeare says:

"The devil may smile, and smile, and be still a devil,"

but I doubt whether the devil can blush. I know the devils of secession can not, for I have tried them over and over again; but it ought to bring a blush of shame to the people of the free

States where it exists. I do not believe that any such desire anywhere prevails. All your rights have been respected and enforced by the people of the free States. More than this, even your claims have been enforced, under repulsive circumstances, and, in my judgment, beyond right and beyond Constitutional obligation. When and where have the people of the Free States or their representatives refused you any right? When and where have they refused to confer with you frankly and candidly when you imagined your rights to be in danger? They have been and still are patient and forbearing. They do not believe that you need any new Constitutional guarantees. You have guarantees enough in their voluntary action. But, since you think differently, they send us hither to meet you, to confer with you, to consider the questions which threaten the Union, to discuss them freely and decide them fairly.

Now, gentlemen, what do we ask of you? Do we ask anything unreasonable in the amendment which has been submitted? We simply ask that you say to your people that we of the Free States have no purpose, and never had any purpose, to infringe the rights of the Slave States or of any citizen of the Slave States. And that our devotion to the Government and the Constitution is not inferior to that of any portion of the American people. By uniting with us in the declaration we propose, you tell your people at home that no considerable party, that no considerable number of persons, in the Free States, has any wish or purpose to interfere with Slavery in the States where it exists, or with any of your rights under the Constitution. You can say this with absolute truth, and with entire confidence. In all the action of the delegates who favor this amendment, in all our private consultations, every heart has been animated by a most anxious desire to maintain the Union and preserve the harmony of the Republic. No word has been uttered indicating the slightest wish to avoid any obligation of the Constitution, or to deprive you of any right under it. All concur in desiring to give effect to the Constitution and the laws passed in pursuance of it. The same sentiments animate the people of the Free States. Congress has declared, with the almost unanimous concurrence of the members from the Free States, against national interference with Slavery in the Slave States. The Chicago

Convention most emphatically asserted the same doctrine. It has been reiterated over and over again by the Legislatures of the Free States, and by great and small conventions of their people. Is it then too much to ask you to unite with us in a declaration that all fears of aggression entertained by your people are groundless? Such a declaration will go far to insure peace; why not make it?

You profess to be satisfied with Slavery, as it is and where it is. You think the institution just and beneficial. The very able gentleman from Virginia (Mr. Seddon), who commands the respect of all by the frankness and sincerity of his speech, has said that he believes Slavery to be the condition in which the African is to be educated up to Freedom. He does not believe in perpetual Slavery. He believes the time will come when the slave, through the beneficent influences of the circumstances which surround him, will rise in intelligence, capacity, an character, to the dignity of a freeman, and will be free.

We cannot agree with you, and therefore do not propose to allow Slavery where we are responsible for it, outside of your State limits, and under National jurisdiction. But we do not mean to interfere with it at all within State limits. So far as we are concerned, you can work out your experiment there in peace. We shall rejoice if no evil comes from it to you or yours. (Mr. Chase's time having expired, he was unanimously invited to proceed.)

Aside from the Territorial question—the question of Slavery outside of Slave States—I know of but one serious difficulty. I refer to the question concerning fugitives from service. The clause in the Constitution concerning this class of persons is regarded by almost all men, North and South, as a stipulation for the surrender to their masters of slaves escaping into Free States. The people of the Free States, however, who believe that slaveholding is wrong, cannot and will not aid in the reclamation, and the stipulation becomes, therefore, a dead letter. You complain of bad faith, and the complaint is retorted by denunciations of the cruelty which would drag back to bondage the poor slave who has escaped from it. You, thinking Slavery right, claim the fulfillment of the stipulation; we, thinking Slavery wrong, cannot fulfill the stipulation without conscious-

ness of participation in wrong. Here is a real difficulty, but it seems to me not insuperable. It will not do for us to say to you, in justification of non-performance, "the stipulation is immoral, and therefore we cannot execute it;" for you deny the immorality, and we cannot assume to judge for you. On the other hand, you ought not to exact from us the literal performance of the stipulation when you know that we cannot perform it without conscious culpability. A true solution of the difficulty seems to be attainable by regarding it as a simple case where a contract, from changed circumstances, cannot be fulfilled exactly as made. A court of equity in such a case decrees execution as near as may be. It requires the party who cannot perform to make compensation for non-performance. Why cannot the same principle be applied to the rendition of fugitives from service? We cannot surrender—but we can compensate. Why not then avoid all difficulties on all sides and show respectively good faith and good will by providing and accepting compensation where masters reclaim escaping servants and prove their right of reclamation under the Constitution? Instead of a judgment for rendition, let there be a judgment for compensation, determined by the true value of the services, and let the same judgment assure freedom to the fugitive. The cost to the National Treasury would be as nothing in comparison with the evils of discord and strife. All parties would be gainers.

What I have just said is, indeed, not exactly to the point of the present discussion. But I refer to this matter to show how easily the greatest difficulties may be adjusted if approached in a truly just, generous and patriotic spirit.

I refer to it also in order to show you that, if we do not concede all your wishes, it is because our ideas of justice, duty and honor forbid, and not because we cherish any hostile or aggressive sentiments. We will go as far as we can to meet you—come you also as far as you can to meet us. Join at least in the declaration we propose. Your people have confidence in you. They will believe you. The declaration, made with substantial unanimity by this conference, will tranquilize public sentiment, and give a chance for reason to resume its sway, and patriotic counsels to gain a hearing.

Do you say that, after all, what we propose embodies no substantial guarantees of immunity to Slavery through the preservation of Federal powers? We reply that we think the Constitution as it stands, interpreted honestly and executed faithfully, is sufficient for all practical purposes; and that you will find all desirable security in the legislation or non-legislation of Congress. If you think otherwise, we are ready to join you in recommending a National Convention to propose amendments to the Constitution in the regular and legitimate way. Kentucky, a Slave State, has proposed such a Convention; Illinois, a Free State, has joined in the proposition. Join us, then, in recommending such a Convention, and assure us that you will abide by its decision. We will join you and give a similar assurance.

This, gentlemen, is the proposition we make you to-day. It is embodied in the amendment just submitted. Is it not a fair proposition? It is a plain declaration of facts which cannot reasonably be questioned, and a plain submission of all disputed questions to the only proper tribunal for the settlement of such questions—that of the American people, acting through a National Convention.

The only alternative to this proposition is the proposition that the present Congress be called upon to submit to the States a thirteenth article embodying the amendments recommended by the Committee. In order to the submission of these amendments to the States by Congress, a two-third vote in each House is necessary. That, I venture to say, cannot be obtained. Were it otherwise, who can assure you that the new article will obtain the sanction of three-fourths of the States, without which it is a nullity? As a measure to defeat all adjustment, I can understand this proposition. As a measure of pacification, I do not understand it. There is, in my judgment, no peace in it. Gentlemen here, of patriotism and intelligence, think otherwise. I am sorry I cannot agree with them.

Gentlemen say, if this proposition cannot prevail, every Slave State will secede; or, as some prefer to phrase it, will resort to revolution. I forbear to discuss eventualities. I must say, however, and say plainly, that considerations such as these will not move me from my recognized duty to my country and its

Constitution. And let me say for the people of the Free States, that they are a thoughtful people, and are much in earnest in this business. They do not delegate their right of private judgment. They love their institutions and the Union. They will not surrender the one nor give up the other without great struggles and great sacrifices. Upon the question of the maintenance of an unbroken Union and a whole country, they never were, and it is my firm conviction they never will be, divided. Gentlemen who think they will be, even in the worst contingency, will, I think, be disappointed. If forced to the last extremity, the people will meet the issue as they best may; but be assured they will meet it with no discordant councils.


Gentlemen, Mr. Lincoln will be inaugurated on the 4th of March. He will take an oath to protect and defend the Constitution of the United States—of the whole—of all the United States. That oath will bind him to take care that the laws be faithfully executed throughout the United States. Will Secession absolve him from that oath? Will it diminish, by one jot or tittle, its awful obligation? Will attempted revolution do more than Secession? And if not, and the oath and the obligation remain, and the President does his duty and undertakes to enforce the laws, and Secession or revolution resists, what then? War! Civil war!

Mr. President, let us not rush headlong into that unfathomable gulf. Let us not tempt this unutterable woe. We offer you a plain and honorable mode of adjusting all difficulties. It is a mode which, we believe, will receive the sanction of the people. We pledge ourselves here that we will do all in our power to obtain their sanction for it. Is it too much to ask you, gentlemen of the South, to meet us on this honorable and practicable ground? Will you not, at least, concede this to the country?

On the conclusion of these remarks, the question was taken upon the proposed amendment, and it was rejected by the following vote:

Ayes—Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, New York, New Hampshire, Vermont—9.

Noes—Delaware, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia—11.

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